

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA  
OFFICE OF THE CLERK**

**RICHARD H. WEARE**

DISTRICT COURT EXECUTIVE / CLERK OF COURT  
UNITED STATES COURTHOUSE  
230 NORTH FIRST AVENUE, ROOM 1400  
PHOENIX, ARIZONA 85025-0093

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TUCSON, ARIZONA 85701-5010

December 28, 2005

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

**JAN 03 2006**

Mr. Matthew J. Dykman, Clerk  
United States District Court  
Pete V. Domenici US Courthouse  
Suite 270  
333 Lomas Boulevard, N.W.  
Albuquerque, NM 87102

**MATTHEW J. DYKMAN**

*CR 05-1849* **CLERK**

RE: USA V Adrian Sanford  
Our Magistrate Case No. 05-7019M

In connection with the above-entitled removal proceedings, enclosed herewith are the following:

1. Certified copy of the docket sheet
2. Copy of Warrant for Arrest paperwork
3. Certified copy of minute entries of 12/15/05
4. Certified copy of Waiver of Rule 40 Hearings
5. Certified copy of bond paperwork

Original documents can be accessed through Pacer.

Please acknowledge receipt of same on the copy of this letter and return to this office for filing.

RICHARD H. WEARE, CLERK

By: s/KMF

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**U.S. District Court  
DISTRICT OF ARIZONA (Tucson Division)  
CRIMINAL DOCKET FOR CASE #: 4:05-mj-07019-CRP-ALL  
Internal Use Only**

Case title: USA v. Sanford

Date Filed: 12/13/2005

Other court case number: 05cr1849 USDC District of NM at  
AlbuquerqueAssigned to: Magistrate Judge Charles  
R Pyle**Defendant****Adrian Sanford (1)**

represented by **Deirdre Marian Mokos**  
Federal Public Defender's Office  
407 W Congress St  
Ste 501  
Tucson, AZ 85701-1310  
520-879-7500  
Fax: 520-897-7601  
Email: deirdre\_mokos@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**21:841(a)(1) & (b)(1)(A) Conspiracy to  
distribute marijuana**Disposition**

**Plaintiff****USA**represented by **David P Petermann**

US Attorney's Office

405 W Congress St

Ste 4800

Tucson, AZ 85701-4050

520-620-7300

Fax: 520-620-7320

Email: David.Petermann@usdoj.gov

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/10/2005	<b>32</b>	ARREST Warrant, from District of NM. Returned Executed on 12/10/05 in case as to Adrian Sanford. (KMF, ) (Entered: 12/22/2005)
12/13/2005	<b>31</b>	Arrest (Rule 40 warrant issued other district) of Adrian Sanford (KMF, ) (Entered: 12/22/2005)
12/13/2005	<b>33</b>	Minute Entry for proceedings held before Judge Charles R Pyle :Initial Appearance in Rule 5(c)(3) Proceedings as to Adrian Sanford held on 12/13/2005 (Court Reporter courtsmart.) (KMF, ) (Entered: 12/22/2005)
12/15/2005	<b>34</b>	Minute Entry for proceedings held before Judge Jacqueline J Marshall :Detention Hearing as to Adrian Sanford held on 12/15/2005. Preliminary Examination waived. Added attorney Deirdre Marian Mokos, FPD, for Adrian Sanford. Bond Info Set as to Adrian Sanford (1) \$5000/PAB (Court Reporter courtsmart.) (KMF, ) (Entered: 12/22/2005)
12/15/2005	<b>35</b>	ORDER Setting Conditions of Release as to Adrian Sanford (1) \$5000/PAB. Signed by Judge Bernardo P Velasco on 12/15/05. (KMF, ) (Entered: 12/22/2005)
12/15/2005	<b>36</b>	WAIVER of Rule 40 Hearings by Adrian Sanford (KMF, ) (Entered: 12/22/2005)
12/23/2005	<b>37</b>	Minute ORDER dft to appear in New Mexico District Court, at Albuquerque, 1/4/06 9:30 bfr Judge Svet for 1A as to Adrian Sanford. Signed by Judge Jacqueline J Marshall on 12/19/05. (KMF, ) (Entered: 12/23/2005)
12/27/2005	<b>38</b>	Amended Minute Entry 12/27/05 to reflect removal info. for proceedings held before Judge Jacqueline J Marshall :Detention Hearing as to Adrian Sanford held on 12/15/2005. Removal hrg wvd (Court Reporter courtsmart.) (KMF, ) (Entered: 12/28/2005)

I hereby attest and certify on 12/28/05  
that the foregoing document is a full, true and correct  
copy of the original on file in my office and in my cus-  
tody.

CLERK, U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

By



Deputy

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA - TUCSON

## MAGISTRATE JUDGE'S MINUTES

DATE: 12/15/2005 CASE NUMBER: 05-07019MUSA vs. ADRIAN SANFORDU.S. MAGISTRATE JUDGE: MAGISTRATE JACQUELINE MARSHALL Judge #: 70BNU.S. Attorney Raquel Arellano for David Petermann INTERPRETER REQ'D N/AAttorney for Defendant Deirdre Mokos (AFPD)INITIAL APP: ☐ HELD DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY☐ Complaint Filed ☐ DOA \_\_\_\_\_☐ Warrant Other District☐ Financial Afdvt taken☐ Warrant Phx Div.☐ No Financial Afdvt taken☐ Counsel waives reading of the Complaint/Indictment☐ Defendant states true name to be \_\_\_\_\_. Further proceedings Ordered in defendant's true name.☐ Government's motion for detention and request for a continuance of the Detention Hearing pursuant to §3142(e) & (f) is ☐ Granted ☐ Denied☐ Defendant shall be temporarily detained in the custody of the United States Marshal pursuant to ☐ § 3142(f) ☐ § 3142(d)PSA recommends \$5,000.00 PAB; Gov't ☐ concurs ☒ objectsGOVERNMENT recommends detention☒ Court accepts recommendation by Pretrial ServicesBail set at \$ 5,000.00 PAB☒ Defendant signed Order Setting Conditions of Release and released on \$5,000.00 PAB secured by the signature of Chelsea Goodell. Court imposes the standard conditions plus defendant shall not travel outside the State of Arizona or New Mexico, not possess any firearm, participate in drug/alcohol/psychiatric counseling and refrain from any use of alcohol. Defendant and surety advised on the record.

<b>DETENTION HEARING:</b> <input checked="" type="checkbox"/> Held <input type="checkbox"/> Cont'd <input type="checkbox"/> UA Set for: before:	<b>PRELIMINARY HEARING:</b> <input type="checkbox"/> Held <input checked="" type="checkbox"/> Waived Set for: before:
Gov't's request for detention <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied	<input type="checkbox"/> Probable cause found <input checked="" type="checkbox"/> Held to answer before Dist. Court
<input checked="" type="checkbox"/> Defendant Ordered detained pending trial <input type="checkbox"/> Gov't withdraws request to detain defendant	<input type="checkbox"/> PRELIMINARY HEARING telephonically waived and DEEMED Waived, VACATE hearing set for
<b>ARRAIGNMENT</b> Set for _____ before: _____	

OTHER: Deirdre Mokos is appointed as attorney of record for defendant. COURT ORDERS this release be STAYED until 3:00 PM today for the government to file an appeal.THEREAFTER: no appeal is filed. Defendant is released on judge's signature.Copies to:  
USA, CNSI, PSA, USM, JM

Recorded by Courtsmart

BY: Peggie Robb  
Deputy Clerk

I hereby attest and certify that the foregoing document is a full, true and correct copy of the original and in my custody.  
 12/28/05  
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 CLERK, U.S. DISTRICT COURT  
 DISTRICT OF ARIZONA

89 Kevin Anderson Deputy

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA - TUCSON

## MAGISTRATE JUDGE'S MINUTES

DATE: 12/15/2005 CASE NUMBER: 05-07019M

## AMENDED MINUTE ENTRY ON 12/27/05 TO REFLECT REMOVAL INFORMATION

USA vs. ADRIAN SANFORDU.S. MAGISTRATE JUDGE: MAGISTRATE JACQUELINE MARSHALL Judge #: 70BNU.S. Attorney Raquel Arcellano for David Petermann INTERPRETER REQ'D N/AAttorney for Defendant Deirdre Mokos (AFPD)INITIAL APP: ☐ HELD DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY☐ Complaint Filed ☐ DOA \_\_\_\_\_☐ Warrant Other District☐ Financial Afdvt taken☐ Warrant Phx Div.☐ No Financial Afdvt taken☐ Counsel waives reading of the Complaint/Indictment☐ Defendant states true name to be \_\_\_\_\_. Further proceedings Ordered in defendant's true name.☐ Government's motion for detention and request for a continuance of the Detention Hearing pursuant to §3142(e) & (f) is ☐ Granted ☐ Denied☐ Defendant shall be temporarily detained in the custody of the United States Marshal pursuant to ☐ § 3142(f) ☐ § 3142(d)PSA recommends \$5,000.00 PAB; Gov't ☐ concurs ☒ objectsGOVERNMENT recommends detention☒ Court accepts recommendation by Pretrial ServicesBail set at \$ 5,000.00 PAB☒ Defendant signed Order Setting Conditions of Release and released on \$5,000.00 PAB secured by the signature of Chelsea Goodell. Court imposes the standard conditions plus defendant shall not travel outside the State of Arizona or New Mexico, not possess any firearm, participate in drug/alcohol/psychiatric counseling and refrain from any use of alcohol. Defendant and surety advised on the record.

<b>DETENTION HEARING:</b> <input checked="" type="checkbox"/> Held <input type="checkbox"/> Cont'd <input type="checkbox"/> UA Set for: before:	<b>REMOVAL HEARING:</b> <input type="checkbox"/> Held <input checked="" type="checkbox"/> Waived Set for: before:
Gov't's request for detention <input type="checkbox"/> Granted <input checked="" type="checkbox"/> Denied	<input type="checkbox"/> COMMITMENT TO ANOTHER DISTRICT ISSUED
<input type="checkbox"/> Defendant Ordered detained pending trial <input type="checkbox"/> Gov't withdraws request to detain defendant	<input type="checkbox"/> PRELIMINARY HEARING telephonically waived and DEEMED Waived, VACATE hearing set for
<b>ARRAIGNMENT</b> Set for _____ before: _____	

☒ Deft. signs written Waiver of Removal Hrg. The Magistrate Judge finds, on the basis of deft's written waiver of removal hrg and this Magistrate Judge's receipt of the original/certified copy of the warrant from the DISTRICT OF NEW MEXICO, that there is probable cause to believe that this defendant is the ADRIAN SANFORD, named in the said warrant, and that there is probable cause to believe that an offense has been committed against the laws of the United States of America.OTHER: Deirdre Mokos is appointed as attorney of record for defendant. COURT ORDERS this release be STAYED until 3:00 PM today for the government to file an appeal.

THEREAFTER: no appeal is filed. Defendant is released on judge's signature.

Copies to:  
USA, CNSL, PSA, USM, JM

Recorded by Courtsmart

BY: Peggie Robb  
Deputy ClerkI hereby attest and certify on 12/28/05 that the foregoing document is a full, true and correct copy of the original on file in my office and in my custody.COPIES DISTRIBUTED  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF ARIZONABy [Signature] Deputy

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA - TUCSON  
DATE: 12/15/2005

CASE NUMBER: 05-07019M

ORDER SETTING CONDITIONS OF RELEASE  
AND APPEARANCE BOND

NAME OF DEFENDANT ADRIAN SANFORD		ADDRESS OF DEFENDANT, ZIP CODE 7341 E. Kenyon Drive TUCSON, AZ 85710		TELEPHONE NUMBER 207-5626	
NAME OF SURETY(ies) Chelsea Goodell		ADDRESS(ies) OF SURETY(ies), ZIP CODE same		TELEPHONE NUMBER(s) same	
AMOUNT OF BOND \$5000.00 PAB	<input type="checkbox"/> UNSECURED \$5000.00 PAB	<input type="checkbox"/> SECURED BY DEPOSIT RECEIVED	OTHER BAILURTY POSTED TO BE POSTED BY	TIME AND DATE OF NEXT APPEARANCE AS DIRECTED	COURTROOM 405 W. Congress

## CONDITIONS OF RELEASE AND APPEARANCE

Defendant is subject to each condition checked:

- ☒ The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☐ The defendant acknowledges that videotaped depositions of the material witnesses may be taken. Defendant is responsible for knowing the time and date of said depositions, and to appear for same. The defendant's failure to appear for the depositions will not delay or constitute cause for the continuance of the depositions and will be deemed a waiver of Defendant's right to confront the witness(es) in person. The depositions will proceed as scheduled.
- ☒ The defendant shall not commit any federal, state or local crime.
- ☒ The defendant shall IMMEDIATELY advise his/her attorney and Pretrial Services, in writing, PRIOR TO any change in residence address, mailing address or telephone number.
- ☒ The defendant shall:
- ☐ maintain or actively seek verifiable employment and provide proof of such to Pretrial Services.
  - ☒ abide by the following restrictions on his personal associations, place of abode, or travel:  
Defendant shall not travel outside the State of Arizona OR NEW MEXICO, unless court permission is granted to travel elsewhere.
  - ☐ avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
- ☒ report on a regular basis to the following agency: PRETRIAL SERVICES AS DIRECTED (520) 205-4350
- ☐ comply with the following curfew:
- ☐ Defendant is placed in the custody of
- ☐ Defendant shall surrender all passports and visas to the Court and shall not apply for any other passports.
- ☒ Defendant shall not possess any firearm, destructive device, or other dangerous weapon.
- ☒ Defendant shall participate in (drug) (alcohol) (psychiatric) counseling, and submit to drug testing, as directed by Pretrial Services.
- ☒ The defendant shall refrain from ANY use of alcohol and any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 USC 802 unless prescribed by a licensed medical practitioner. The defendant shall submit to drug and/or alcohol treatment, not limited to urine drug testing and breathalyzer tests, at the discretion of Pretrial Services. The defendant shall make a copayment directly to the agency contracted by Pretrial Services to provide any required counseling or drug testing, in an amount to be determined by Pretrial Services, not to exceed the total cost of services rendered, each month until these services are terminated.
- ☐ The following conditions also apply:

## ADVICE OF PENALTIES AND SANCTIONS

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. §3148, forfeiture of bond, and a prosecution for contempt as provided in 18 U.S.C. §401 which could result in a possible term of imprisonment or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not less than two years nor more than ten years, if the offense is a felony; or a term of imprisonment of not less than ninety days nor more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

18 U.S.C. §1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. §1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. §1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

## ACKNOWLEDGEMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE 12/15/05	SIGNATURE OF DEFENDANT <i>Adrian Sanford</i>
Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.	
SIGNATURE OF CUSTODIAN	ADDRESS OF CUSTODIAN
TELEPHONE	

We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF SURETY(ies) <i>Chelsea Goodell</i>	DATE: 12/15/2005
SIGNATURE OF SURETY(ies) <i>Chelsea Goodell</i>	Signed before me on the date shown above. This order authorizes the U.S. Marshal to release defendant from custody.
Notary Public in and for the State of Arizona that the foregoing document is a true and correct copy of the original on file in my office.	Signed by U.S. Marshal BAIL SET BY JACQUELINE MARSHALL

USA, PSA, Deirdre Mokos, URM  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

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AZ WVR (7/99) Waiver of Rule (5) (c) Hearings  
=====

## UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

WAIVER OF RULE 5(c)(3) HEARINGS  
(Excluding Probation Cases)

v.

ADRIAN SANFORD

Case Number: 05-07019M

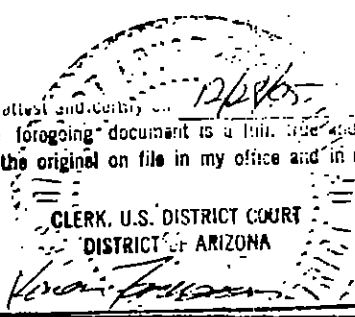
I, ADRIAN SANFORD, understand that in theDistrict of New Mexico, charges are pending alleging violation of 21:846, Conspiracy to Distribute Marijuana and that I have been arrested in this District and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings to this district pursuant to Rule 20, FED. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the person named in the charge, and (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☐ identity hearing
- ☐ preliminary examination
- ☒ identity hearing and have been informed I have no right to a preliminary examination
- ☐ identity hearing but request a preliminary examination to be held in the prosecuting district

and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me. I further waive the presentment of the original or the certified copy of the warrant from the District of New Mexico in the District of Arizona.
  
 Defendant

  
 Defense Counsel
12/15/2005


I hereby attest and certify that the foregoing document is a true, true and correct copy of the original on file in my office and in my custody.

CLERK, U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

By

Depu



DEC 12 '05 09:38 FR US MARSHAL D-NM

505 346 2681 TO 915208796930

P.02/15

AO 442 (Rev. 5/93) Warrant for Arrest

05-7019M  
1076277 ✓

DH/RH

## United States District Court

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

ADRIAN SANFORD

## WARRANT FOR ARREST

CASE NUMBER CR05 1849

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest ADRIAN SANFORD

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

Count 1: 21 U.S.C. § 846 – Conspiracy to Distribute 1000 Kilograms and More of Marijuana

Title

21

United States Code, Section(s) 846

Matthew J. Dykman

Name of Issuing Officer

Signature of Issuing Officer

Court Clerk

Title of Issuing Officer

AUG 23 2005

Date and Location

ALBUQUERQUE, NEW MEXICO

Bail fixed at \$ \_\_\_\_\_ by \_\_\_\_\_

Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at

TUCSON, AZ

DATE RECEIVED

8/23/05

DATE OF ARREST

12/10/05

NAME AND TITLE OF ARRESTING OFFICER

Subject arrested by USMS  
and intialed on 12/13/05

SIGNATURE OF ARRESTING OFFICER

This form was electronically produced by Elite Federal Forms, Inc.



DEC 12 '05 09:38 FR US MARSHAL D-NM

505 346 2681 TO 915208796930

P.03/15

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

FOR THE DISTRICT OF NEW MEXICO

AUG 23 2005

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANA JARVIS, a/k/a Todd Ward,  
 AYLAR JARVIS,  
 JORGE LUIS ORTIZ-MOFFETT,  
 MIKE HANNAH,  
 RALPH GREENE, a/k/a "RB,"  
 GEORGE RIPLEY,  
 CATHY FITZGERALD,  
 DAVID REID,  
 PAT BERSSENBRUGGE,  
 BARBARA HANNA,  
 GEORGE OSGOOD, a/k/a "Mushroom  
 George,"  
 GREG HILL,  
 GENO BERTHOD, a/k/a "Old Man,"  
 RUSSELL TRUJILLO, a/k/a "Rusty,"  
 MATTHEW HOTTHAN, a/k/a "Matrix,"  
 MANUEL GIL, a/k/a "Manny,"  
 SAM JONES,  
 SALVADOR ABEYTA,  
 BILL JONES, a/k/a Charles Johnston,  
 MARY CANNANT, and  
 ADRIAN SANFORD.

Defendants.

REDACTEDINDICTMENT

The Grand Jury charges:

COUNT 1

From approximately September 2002, the precise date being unknown to the Grand Jury, up to and including August 2005, in the State and District of New Mexico, and elsewhere, the defendants, DANA JARVIS, a/k/a Todd Ward, AYLAR JARVIS, JORGE LUIS ORTIZ-MOFFETT, MIKE HANNAH, RALPH GREENE, a/k/a "RB," GEORGE RIPLEY, CATHY FITZGERALD, DAVID REID, PAT BERSSENBRUGGE, BARBARA HANNA, GEORGE OSGOOD, a/k/a "Mushroom George," GREG HILL,

CRIMINAL **CR 05 1849**  
 Count 1: 21 U.S.C. § 846 –  
 Conspiracy to Distribute 1000  
 Kilograms and More of Marijuana;

Count 2: 21 U.S.C. § 848 –  
 Continuing Criminal Enterprise;

Count 3: 18 U.S.C. § 1956(h) –  
 Conspiracy to Launder Money;

Counts 4 - 26: 18 U.S.C.  
 §§ 1956(a)(1)(A)(i) and (a)(1)(B)(i) –  
 Money Laundering;

18 U.S.C. § 982 and 21 U.S.C.  
 § 853: Criminal Forfeiture.

CERTIFIED a True Copy of the  
 original filed in my office

*May A. [Signature]*

**GENO BERTHOD** a/k/a "Old Man," **RUSSELL TRUJILLO**, a/k/a "Rusty," **MATTHEW HOTTHAN**, a/k/a "Matrix," **MANUEL GIL**, a/k/a "Manny," **SAM JONES**, **SALVADOR ABEYTA**, **BILL JONES**, a/k/a Charles Johnston, **MARY CANNANT**, and **ADRIAN SANFORD**, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons whose names are known and unknown to the grand jury to distribute 1000 kilograms and more of marijuana, a schedule I controlled substance, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

**Manner and Means of the Conspiracy**

During the course of the conspiracy, the defendants participated in a collective endeavor, organized and supervised by defendant Dana Jarvis, to distribute marijuana for profit. Defendant Dana Jarvis obtained bulk wholesale quantities of marijuana from sources of supply in Tucson, Arizona, including defendant Jorge Luis Ortiz-Moffett. Prior to purchase, the marijuana was inspected for quality by Dana Jarvis or his daughter, defendant Ayla Jarvis. The marijuana would then be weighed and wrapped by conspirators including defendants Manuel Gil, Sam Jones, and Matthew Hotthan at "stash house" locations in Arizona owned and/or under the dominion and control of Dana Jarvis. From the Arizona stash houses, the marijuana was transported by conspirators including defendants Salvador Abeyta and Russell Trujillo to New Mexico where it was stored at additional stash houses owned by Dana Jarvis and/or other members of the conspiracy. From the New Mexico stash houses, the marijuana was transported by conspirators including defendant George Ripley to various locations throughout the United States, including Denver, Colorado; Columbus, Ohio; and Bloomington, Indiana. From Denver, defendant Geno Berthod transported the marijuana to the east coast of the United States. In Bloomington, defendant Greg Hill re-distributed the marijuana for profit. In Columbus the marijuana was re-distributed for profit by unindicted co-conspirators. The proceeds from the distribution of the

DEC 12 '05 09:39 FR US MARSHAL D-NM

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P.05/15

marijuana, in the form of United States currency, were then transported back to New Mexico, either via motor vehicle or aboard aircraft piloted by defendant David Reid. In New Mexico, the proceeds would be delivered to conspirators including defendant Barbara Hanna, who would count the proceeds. Some or all of the proceeds were then transported to defendant Mike Hannah in Tucson for safekeeping. Dana Jarvis would use the proceeds to purchase assets, to pay co-conspirators, and to purchase additional bulk marijuana for distribution.

In violation of 21 U.S.C. § 846.

### COUNT 2

Between approximately September 2002, the precise date being unknown to the Grand Jury, and August, 2005, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS**, a/k/a Todd Ward, did unlawfully, knowingly and intentionally engage in a continuing criminal enterprise, in that the defendant did violate the provisions of Title 21 of the United States Code, Sections 841(a) and 841(b), the punishment for which exceeds one year imprisonment, and such violations were part of a continuing series of violations of Title 21 of the United States Code that were undertaken by the defendant in concert with five or more other persons with respect to whom the defendant occupied a position of organizer, a supervisory position, or other positions of management, and from which the defendant obtained substantial income and resources, and the said violations included, without limitation, the following: (1) possession with intent to distribute marijuana in March 2005; (2) possession with intent to distribute marijuana in May 2005; and (3) possession with intent to distribute marijuana in July 2005.

In violation of 21 U.S.C. §§ 848(a), 848(c) and 18 U.S.C. § 2.

**COUNT 3**

From approximately September 2002, the precise date being unknown to the Grand Jury, up to and including August 2005, in the State and District of New Mexico, and elsewhere, the defendants, **DANA JARVIS**, a/k/a Todd Ward, **AYLA JARVIS**, **MIKE HANNAH**, **RALPH GREENE**, a/k/a "RB," **GEORGE RIPLEY**, **DAVID REID**, **PAT BERSSENBRUGGE**, **BARBARA HANNA**, **GEORGE OSGOOD**, a/k/a "Mushroom George," **GREG HILL**, **GENO BERTHOD**, a/k/a "Old Man," and **ADRIAN SANFORD**, did unlawfully, knowingly and intentionally conspire and agree together and with each other and with other persons whose names are known and unknown to the grand jury to commit the following offenses against the United States, that is, laundering of monetary instruments, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

In violation of 18 U.S.C. § 1956(h).

**COUNTS 4 - 12**

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS** a/k/a Todd Ward did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency through First State Bank checking account number 1874527, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activities, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the checks identified below, represented the proceeds of some form of unlawful activity:

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<u>Count</u>	<u>Date Check Cleared</u>	<u>Amount of Check</u>	<u>Check Number</u>	<u>Name of Payee</u>
4	December 4, 2002	\$932.08	569	Commercial Federal
5	January 6, 2003	\$932.08	590	Commercial Federal
6	February 3, 2003	\$932.08	604	Commercial Federal
7	March 10, 2003	\$932.08	622	Commercial Federal
8	April 9, 2003	\$932.08	638	Commercial Federal
9	May 12, 2003	\$932.08	653	Commercial Federal
10	June 9, 2003	\$932.08	668	Commercial Federal
11	July 7, 2003	\$932.08	686	Commercial Federal
12	August 11, 2003	\$932.08	701	Commercial Federal

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

#### COUNTS 13 - 23

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS** a/k/a Todd Ward did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency through First State Bank savings account number 1223801, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the drafts identified below, represented the proceeds of some form of unlawful activity:

<u>Count</u>	<u>Date Draft Cleared</u>	<u>Amount of Draft</u>	<u>Name of Payee</u>
13	July 7, 2004	\$932.08	Commercial Federal
14	August 4, 2004	\$932.08	Commercial Federal
15	September 7, 2004	\$932.08	Commercial Federal
16	October 5, 2004	\$932.08	Commercial Federal
17	November 4, 2004	\$932.08	Commercial Federal
18	December 6, 2004	\$932.08	Commercial Federal
19	January 4, 2005	\$932.08	Commercial Federal
20	February 4, 2005	\$932.08	Commercial Federal
21	March 4, 2005	\$932.08	Commercial Federal
22	April 5, 2005	\$932.08	Commercial Federal
23	May 4, 2005	\$932.08	Commercial Federal

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

#### COUNTS 24 - 26

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendants **DANA JARVIS**, a/k/a Todd Ward, and **MIKE HANNAH** did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency from Compass Bank checking account number 87080587 into First State Bank checking account number 1874527, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the checks identified below, represented the proceeds of some form of unlawful activity:

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<u>Count</u>	<u>Date Check Cleared</u>	<u>Amount of Check</u>	<u>Check Number</u>	<u>Name of Payee</u>
24	January 31, 2005	\$700.00	7321	Santa Fe Consulting
25	February 7, 2005	\$700.00	7351	Santa Fe Consulting
26	July 19, 2005	\$1,350.00	8038	Santa Fe Consulting

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

#### **FORFEITURE ALLEGATION**

Upon conviction of one or more of the offenses alleged in Counts 1 through 26 of this Indictment, the defendants, **DANA JARVIS**, a/k/a Todd Ward, **AYLA JARVIS**, **JORGE LUIS ORTIZ-MOFFETT**, **MIKE HANNAH**, **RALPH GREENE**, a/k/a "RB," **GEORGE RIPLEY**, **CATHY FITZGERALD**, **DAVID REID**, **PAT BERSSENBRUGGE**, **BARBARA HANNA**, **GEORGE OSGOOD**, a/k/a "Mushroom George," **GREG HILL**, **GENO BERTHOD** a/k/a "Old Man," **RUSSELL TRUJILLO**, a/k/a "Rusty," **MATTHEW HOTTHAN**, a/k/a "Matrix," **MANUEL GIL**, a/k/a "Manny," **SAM JONES**, **SALVADOR ABEYTA**, **BILL JONES** a/k/a Charles Johnston, **MARY CANNANT**, and **ADRIAN SANFORD**, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense in violation of 21 U.S.C. §§ 841, 846, or 848 for which the defendants are convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offenses, and shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1) all property, real and personal, involved in each offense in violation of 18 U.S.C. §§ 1956 or 1957, or conspiracy to commit such offense, for which the defendants are convicted, and all property traceable to such property, including but not limited to the following:



1. MONEY JUDGMENT

A sum of money equal to \$49,280,000.00 U.S. currency, representing the amount of money derived from or involved in the offenses, for which the defendants are jointly and severally liable.

2. BANK ACCOUNTS

a. All United States currency, funds, or other monetary instruments credited to account number 40455157, in the name of Dana Jarvis, located at Bank One.

b. All United States currency, funds, or other monetary instruments credited to account number 689832822, in the name of Dana Jarvis, located at Bank One.

c. All United States currency, funds, or other monetary instruments credited to account number 1874527, in the name of Dana Jarvis, located at First State Bank.

d. All United States currency, funds, or other monetary instruments credited to account number 1223801, in the name of Dana Jarvis, located at First State Bank.

e. All United States currency, funds, or other monetary instruments credited to account number 87080587, in the name of Continental Steel West Corp. d/b/a Continental Steel, located at Compass Bank.

f. All United States currency, funds, or other monetary instruments credited to account number 2504448676, in the name of RC Aviation, located at Compass Bank.

g. All United States currency, funds, or other monetary instruments credited to account number 7692176673, in the name of Barbara Hanna, located at Wells Fargo Bank.

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### 3. REAL PROPERTY

a. 1440 Calle Cielo Vista, Bernalillo, New Mexico, which is more particularly described as follows:

TRACT LETTERED "C", OF THE SCHLAKE ADDITION, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT ENTITLED "TRACTS A THROUGH D, SCHLAKE ADDITION, SANDOVAL COUNTY, NEW MEXICO", FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON JULY 17, 1978, IN PLAT BOOK 2, FOLIO 237-B.

b. 3523 Central Avenue N.E., Albuquerque, New Mexico, which is more particularly described as follows:

LOTS NUMBERED TEN (10), ELEVEN (11) AND TWELVE (12) IN BLOCK NUMBERED FOUR (4) OF MONTE VISTA, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, OCTOBER 14, 1926.

THERE IS EXCEPTED THE NORTHERLY PORTION OF SAID LOT TEN (10) WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT TEN (10) RUNNING

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF NORTH CARLISLE AVENUE, 62.28 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE WESTERLY, PARALLEL WITH AND 60 FEET NORTHERLY AT RIGHT ANGLES FROM THE NORTHERLY LINE OF EAST CENTRAL AVENUE, 80.19 FEET TO THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 10, 86.09 FEET TO THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED WHICH IS THE NORTHWEST CORNER OF SAID LOT 10; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF CAMPUS BOULEVARD, 86.97 FEET TO THE PLACE OF BEGINNING.

c. 8012 1<sup>st</sup> Street N.W., Albuquerque, New Mexico, which is more particularly described as follows:

LOT "A-1" OF THE PLAT OF LOTS A-1 AND A-2, LANDS OF LARRY SWANK, SITUATE WITHIN PROJECTED SECTION 22, T. 11 N., R. 3 E., N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF

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THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON  
FEBRUARY 2, 1995.

d. 28 Quail Run, Santa Fe, New Mexico.

4. CONVEYANCES

a. 1978 Beechcraft King Air C-90 Turboprop Aircraft, United States  
Registration Number N754TW, Serial Number LJ-754.

b. 1972 Cessna 421B Aircraft, United States Registration Number N3AJ,  
Serial Number 421B0230.

5. LIQUOR LICENSE

New Mexico Liquor License No. 2599 in the name of Club Rhythm and Blues  
located at 3523 Central N.E., Albuquerque, New Mexico, owned by Dana Jarvis.

If any of the above-described forfeitable property, as a result of any act or  
omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value;
- (e) has been commingled with other property which cannot be divided without  
difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by  
18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendants up to the  
value of the forfeitable property described above, including but not limited to the  
following:

1. REAL PROPERTY

a. 9227 West Weaver Circle, Casa Grande, Arizona, which is more particularly described as follows:

SITUATED IN PINAL COUNTY, ARIZONA TO WIT: LOT 2, OF WEAVER RANCH UNIT 1, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA, IN CABINET C OF MAPS, SLIDE 174.

b. 8018 1<sup>st</sup> Street N.W., Albuquerque, New Mexico, which is more particularly described as follows:

LOT "A-2" OF THE PLAT OF LOTS A-1 AND A-2, LANDS OF LARRY SWANK, SITUATE WITHIN PROJECTED SECTION 22, T. 11 N., R. 3 E., N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON FEBRUARY 2, 1995.

c. 5 Lauro Road, Santa Fe, New Mexico, which is more particularly described as follows:

LOT EIGHT (8), BLOCK FORTY-NINE (49), UNIT THREE (3), ELDORADO AT SANTA FE, AS SHOWN AND DELINEATED ON THE PLAT THEREOF (KNOWN AS SHEET 15), FILED JUNE 29, 1977, AS DOCUMENT NO. 404,723 AND RECORDED IN ELDORADO PLAT BOOK 5, AT PAGE 13, RECORDS OF SANTA FE COUNTY, NEW MEXICO.

d. 138 W. Berger Street #4, Santa Fe, New Mexico, which is more particularly described as follows:

UNIT 8, OF THE WEST BERGER STREET CONDOMINIUM, AS CREATED BY THE CONDOMINIUM DECLARATION FOR WEST BERGER STREET CONDOMINIUM, RECORDED IN BOOK 1027, PAGE 962, AS AMENDED, AND AS SHOWN ON CONDOMINIUM PLAT RECORDED AS EXHIBIT B TO FIRST AMENDMENT TO CONDOMINIUM DECLARATION, RECORDED IN BOOK 1730, PAGE 441, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.

e. 142 1/2 W. Berger Street, Santa Fe, New Mexico, which is more particularly described as follows:

UNIT FIVE (5), OF THE WEST BERGER STREET CONDOMINIUM, AS CREATED BY "CONDOMINIUM DECLARATION FOR WEST BERGER STREET CONDOMINIUM", DATED FEBRUARY 22, 1994 AND RECORDED IN BOOK 1027, PAGE 962, AS AMENDED BY "FIRST AMENDMENT TO CONDOMINIUM DECLARATION FOR WEST BERGER STREET

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CONDOMINIUM", DATED JANUARY 25, 2000, RECORDED IN BOOK 1730, PAGE 441; AND AS SHOWN AND DELINEATED ON THE "SURVEY PLAT OF 134 WEST BERGER STREET CONDOMINIUM, 134 THROUGH 142 1/2 WEST BERGER STREET, SANTA FE N.M." ATTACHED TO THE FIRST AMENDMENT TO CONDOMINIUM DECLARATION AS EXHIBIT "B", ALL IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

f. 3 Dovela Place, Santa Fe, New Mexico.

g. 7596 Corrales Road, Corrales, New Mexico.

h. Land in Mora County, New Mexico, which is more particularly

described as follows:

A CERTAIN TRACT OF LAND WITHIN THE MORA GRANT, BEING SITUATE IN SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, NEW MEXICO, PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR THE SECTION CORNER COMMON TO SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, NEW MEXICO PRINCIPAL MERIDIAN; THENCE DUE NORTH A DISTANCE OF 847.82 FEET, THENCE S. 49°51'E., A DISTANCE OF 2614.45 FEET; THENCE S. 42°58'W. A DISTANCE OF 2109.41 FEET, THENCE S. 59°09'E. A DISTANCE OF 371 FEET; THENCE S. 70°54'E. A DISTANCE OF 256.95 FEET; THENCE DUE NORTH A DISTANCE OF 2106.99 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 82.044 ACRES, MORE OR LESS, TOGETHER WITH ALL WATER RIGHTS AND EASEMENTS PERTAINING TO THE ABOVE DESCRIBED PROPERTY.

i. Land in Mora County, New Mexico, which is more particularly described

as follows:

TRACT B: A CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATE WITHIN THE MORA GRANT, IN SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, N.M.P.M. COUNTY OF MORA, STATE OF NEW MEXICO, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, ALSO BEING A POINT ON THE SANTA FE NATIONAL FOREST BOUNDARY, FROM WHICH POINT THE SECTION CORNER COMMON TO SECTIONS 25 AND 36 T. 21 N., R 14 E., N.M.P.M. BEARS SOUTH, A DISTANCE OF 847.82 FEET; THENCE FROM SAID POINT OF BEGINNING, S. 49°51'00"E., A DISTANCE OF 1307.22 FEET TO A POINT; THENCE S. 40°09'00"W., A DISTANCE OF 150.00 FEET TO A POINT; THENCE N. 49°51'00"W., A DISTANCE OF 1180.69 FEET TO A POINT ON THE SANTA FE NATIONAL FOREST BOUNDARY; THENCE

DUE NORTH, ALONG SAID FOREST BOUNDARY, A DISTANCE OF 196.24 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 4.284 ACRES MORE OR LESS. TOGETHER WITH ALL WATER RIGHTS AND EASEMENTS PERTAINING TO THE ABOVE DESCRIBED PROPERTY. SHOWN AS TRACT B ON PLAT OF SURVEY ENTITLED "REPLAT OF SURVEY FOR DANA JARVIS" PREPARED BY ARSENIO J. MARTINEZ, N.M.L.S. NO. 4254, IN JULY, 1972.

2. BANK ACCOUNTS

All United States currency, funds, or other monetary instruments credited to account number 79001021, in the name of Dave and Linda Reid, located at Sun State Bank.

A TRUE BILL:

*15/*  
FOREPERSON OF THE GRAND JURY

*Admitted to U.S. Court, for*  
DAVID C. IGLESIAS  
United States Attorney

*JJ*  
06/22/05 3:01pm